



BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

2002 MAY -6 P 3:05

MAY 06 2002

AZ CORP COMMISSION  
DOCUMENT CONTROL

WILLIAM A. MUNDELL  
CHAIRMAN

JIM IRVIN  
COMMISSIONER

MARC SPITZER  
COMMISSIONER

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
DYNEGY ENERGY SERVICES, INC. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE COMPETITIVE  
RETAIL ELECTRIC SERVICES AS AN  
ELECTRIC SERVICE PROVIDER PURSUANT  
TO A.A.C. R14-2-1601 *ET SEQ.*

DOCKET NO. E-04072A-01-0988

IN THE MATTER OF THE APPLICATION OF  
ILLINOVA ENERGY PARTNERS, INC. FOR  
CANCELLATION OF ITS A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE COMPETITIVE RETAIL ELECTRIC  
SERVICES AS AN ELECTRIC SERVICE  
PROVIDER PURSUANT TO A.A.C. R14-2-1601  
*ET SEQ.*

DOCKET NO. E-03662A-02-0319

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On December 18, 2001, Dynegy Energy Services, Inc. ("Dynegy" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for Certificate of Convenience and Necessity ("CC&N" or "Certificate") to provide retail electric services as a load serving entity in all areas in the State of Arizona that the Commission has designated as open to retail competition.

On January 22, 2002, Dynegy filed a Certificate of Compliance verifying that on September 21, 2001, it provided notice as required by A.A.C. R14-2-1603(E) of its intent to provide retail electric service to customers in the utility service territories of the notified Affected Utilities and the Salt River Project.

On April 11, 2002, the Commission's Utilities Division Staff ("Staff") filed a letter informing Dynegy that its application was administratively complete.

On April 26, 2002, Dynegy filed in Docket No. E-03662A-02-0319 an application to cancel the CC&N of Illinova Energy Partners, Inc. ("IEP"), that was granted in Decision No. 61707 (May 13, 1999). Dynegy states that it absorbed IEP into its organization with the merger of Dynegy and the parent company of IEP in February of 2000, and that IEP is no longer doing business.

1 On May 3, 2002, Staff filed its Staff Report in these dockets, recommending approval of  
2 Dynegy's application after a hearing, and also recommending approval of IEP's request for  
3 cancellation of its CC&N.

4 As the parties to these applications are one and the same following the merger of Dynegy and  
5 the parent company of IEP, the rights of the parties will not be prejudiced by consolidation. These  
6 matters will therefore be consolidated for purposes of hearing.

7 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern  
8 the preparation and conduct of this proceeding.

9 IT IS THEREFORE ORDERED that the two above-captioned matters are hereby  
10 consolidated for purposes of hearing.

11 IT IS FURTHER ORDERED that the hearing in the above-captioned matters shall commence  
12 on **July 11, 2002 at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices,  
13 1200 West Washington Street, Arizona 85007.

14 IT IS FURTHER ORDERED that the Affected Utilities are hereby noticed that if the  
15 application of Dynegy for a CC&N to provide competitive electric services is granted, the CC&Ns of  
16 the Affected Utilities will be rescinded, altered, or amended pursuant to A.R.S. §40-252.<sup>1</sup>

17 IT IS FURTHER ORDERED that the Affected Utilities are hereby joined as parties in this  
18 matter with the opportunity to respond to Dynegy's Application.

19 IT IS FURTHER ORDERED that direct testimony and associated exhibits, if any, to be  
20 presented at hearing on behalf of all parties shall be filed on or before July 3, 2002.

21 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
22 except that all motions to intervene must be filed on or before June 21, 2002.

23 IT IS FURTHER ORDERED that any objections to motions to intervene shall be filed on or  
24 before June 28, 2002.

25 IT IS FURTHER ORDERED that Dynegy shall provide public notice of the hearing in this  
26 matter, in the following form and style:

27  
28 <sup>1</sup> Some of the CC&Ns of the Affected Utilities have already been modified pursuant to Commission decision.

**PUBLIC NOTICE OF HEARING ON THE  
APPLICATION FOR A CERTIFICATE OF CONVENIENCE  
AND NECESSITY BY DYNEGY ENERGY SERVICES, INC.**

Dynegy Energy Services, Inc. ("Company") has filed with the Arizona Corporation Commission ("Commission") an Application for authority to operate as a retail electric service provider (ESP).

The Application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the Company's offices, [insert company's address].

The Commission will hold a hearing on this matter beginning **July 11, 2002 at 10:00 a.m.** at the Commission's offices, 1200 West Washington, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

You may have the right to intervene in the proceeding. If you do not want to intervene, you may appear at the hearing and make a statement on your own behalf. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission. Such motion should be sent to the Company or its counsel and to all parties of record, and must, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a stockholder of Company, a competitor, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to Navopache or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **June 21, 2002**. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any person or entity from appearing at the hearing and making a public statement.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that Dynegy shall cause the above notice to be published at  
2 least once in newspapers in all counties that it desires to serve, with the publication to be completed  
3 no later than June 7, 2002.


4 IT IS FURTHER ORDERED that Dynegy shall file certification of publishing as soon as  
5 practicable after the publication has been completed, but not later than June 21, 2002.

6 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and  
7 publication, notwithstanding the failure of an individual to read or receive the notice.

8 IT IS FURTHER ORDERED that as this matter is now set for hearing, the Ex Parte Rule  
9 (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding and shall remain in  
10 effect until the Commission's Decision in this matter is final and non-appealable.

11 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive  
12 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

13 DATED this 6<sup>th</sup> day of May, 2002.

14  
15  
16  
17  
18  
19  
  
TEENA WOLFE  
ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing mailed/delivered  
21 this 6<sup>th</sup> day of May, 2002 to:

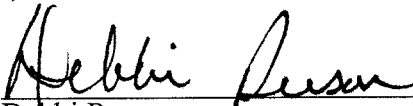
22 Electric Competition Service List – Docket No. RE-00000C-94-0165

23 Barry Huddleston  
24 DYNEGY ENERGY SERVICES, INC.  
25 1000 Louisiana Street, Suite 5800  
26 Houston, Texas 77002

27 Christopher Kempley, Chief Counsel  
28 Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

1 Ernest Johnson, Director  
Utilities Division  
2 ARIZONA CORPORATION COMMISSION  
1200 West Washington  
3 Phoenix, Arizona 85007

4 ARIZONA REPORTING SERVICE, INC  
2627 N. Third Street, Suite Three  
5 Phoenix, Arizona 85004-1103

6 By:   
7 Debbi Person  
Secretary to Teena Wolfe  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28